

1 LOS ANGELES, CALIFORNIA

2 TUESDAY, MARCH 27, 2001

3 11:50 a.m.

4 \* \* \*

5 THE COURT: I will call the case of  
6 Afshin Poordavoud. I'm prepared to go forward and grant  
7 the return of the firearm based upon what I have read.

8 MR. KELNER: I don't have any objection to  
9 that. I already read the Olive View records, and he was  
10 only there two days.

11 THE COURT: Counsel, your client's here  
12 with an interpreter?

13 MR. HAKKAK: Actually, he's going to be  
14 okay. We waived the interpreter.

15 Come on up.

16 MR. KELNER: What I will do is agree to  
17 submit it on the records that we have from Olive View  
18 and also the doctor's reports.

19 THE COURT: All right. Now Mr. Poordavoud  
20 is in therapy now.

21 Is that correct?

22 THE PETITIONER: Yes.

23 THE COURT: Okay. Dr. Gross is your  
24 therapist?

25 THE PETITIONER: Yes.

26 THE COURT: How often do you see her?

27 THE PETITIONER: Every Tuesday.

28 THE COURT: Are you taking any medication?

1 THE PETITIONER: No, sir.

2 THE COURT: Okay. Did you want to say  
3 anything, Mr. Hakkak, other than stating your appearance  
4 for the record?

5 MR. HAKKAK: My name is Dean Hakkak,  
6 attorney for petitioner.

7 THE COURT: All right. The Court has read  
8 and considered Dr. Morales' report. I'm not sure where  
9 Dr. Pitt's report is. It's supposed to be in the file,  
10 but I'm not seeing it. Does someone have a copy?

11 MR. HAKKAK: Yes.

12 THE COURT: Can I take a look at it?

13 MR. HAKKAK: Sure.

14 THE COURT: I thought he said she had a  
15 long report. Is that the same thing you have?

16 MR. HAKKAK: Yes.

17 THE COURT: Dr. Pitt notes your client has  
18 no history of violence. He was not given a referral by  
19 Olive View according to Dr. Morales' report, which  
20 implicitly means to me they didn't consider him to be  
21 any kind of ongoing danger.

22 MR. KELNER: They gave him a list of  
23 outpatient places.

24 THE COURT: He's in therapy with  
25 Jewish Family Services. At this point if the matter is  
26 submitted I will grant the petition.

27 MR. HAKKAK: Thank you.

28 THE COURT: Submitted?

1 MR. HAKKAK: Yes, submitted.

2 MR. KELNER: Yes. Counsel also has a  
3 receipt for the firearms from L.A.P.D.

4 THE COURT: If Counsel will prepare an  
5 order for return of the firearms as noted in the  
6 receipt, I will sign it, and I do grant the petition  
7 finding that return of the firearms and restoration of  
8 Mr. Poordavoud's right to own or possess firearms would  
9 not endanger public safety within the meaning of the  
10 statute. Okay?

11 MR. HAKKAK: Thank you.

12 THE PETITIONER: Thank you, Your Honor.

13

14 (At 11:50 a.m. proceedings were concluded.)

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1 STATE OF CALIFORNIA                    }  
2 COUNTY OF LOS ANGELES                }

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I, CAROLYN MCMICKLE, Official Court  
Reporter, do hereby certify that the foregoing pages, 1  
through 4, comprise a full, true, and correct transcript  
of the proceedings had in the within-entitled matter,  
recorded by me by stenotype on the day herein written  
and thereafter transcribed by computer transcription.

In compliance with section 8016 of the  
business and professions code, I certify under penalty  
of perjury that I am a certified shorthand reporter with  
license no. 8265 in full force and effect.

witness my hand this day day of May, 2011.

17

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21

22

CAROLYN MCMICKLE, CSR NO. 8265  
OFFICIAL COURT REPORTER

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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES  
BEFORE THE HONORABLE HAROLD E. SHABO, JUDGE

IN RE THE MATTER OF  
AFSHIN POORDAVOUD,  
  
PETITIONER,  
  
AND  
  
THE PEOPLE OF THE STATE  
OF CALIFORNIA,  
  
RESPONDENT.

CASE NO. ZM004237

REPORTER'S TRANSCRIPT OF PROCEEDINGS  
HEARING RE RESTORATION OF RIGHTS TO FIREARMS  
LOS ANGELES, CALIFORNIA  
TUESDAY, MARCH 27, 2001

APPEARANCES:

FOR THE PEOPLE:           HOWARD KELNER  
                                  DEPUTY DISTRICT ATTORNEY  
                                  1150 NORTH SAN FERNANDO ROAD  
                                  LOS ANGELES, CA 90065

FOR THE PETITIONER: Z. DEAN HAKKAK  
ATTORNEY AT LAW  
5440 E. BEVERLY BOULEVARD  
LOS ANGELES, CA 90022

REPORTED BY: CAROLYN MCMICKLE, CSR NO. 8265  
OFFICIAL REPORTER

GOVERNMENT CODE SECTION 69954(D)  
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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

HON. FRED J. FUJIOKA, JUDGE

DEPARTMENT 95B

IN THE MATTER OF  
RYAN ANTHONY

)  
) CASE NO.  
) ZM005257  
)

REPORTER'S TRANSCRIPT OF PROCEEDINGS  
APRIL 18, 2002

APPEARANCES:

FOR THE PEOPLE:      DAVID AUGH,  
                             DEPUTY DISTRICT ATTORNEY

IN PRO PER:            RYAN ANTHONY

KAREN GEER, CSR NO. 9781,  
OFFICIAL REPORTER

1 CASE NUMBER: ZM005257  
2 CASE NAME: IN THE MATTER OF RYAN ANTHONY  
3 LOS ANGELES, CALIFORNIA APRIL 18, 2002  
4 DEPARTMENT 95B HON. FRED J. FUJIOKA, JUDGE  
5 REPORTER: KAREN GEER, CSR NO. 9781  
6 TIME: A.M. SESSION  
7 APPEARANCES:  
8 RYAN ANTHONY, PRESENT IN PRO PER  
9 DAVID AUGH, DEPUTY DISTRICT ATTORNEY,  
10 REPRESENTING THE PEOPLE OF THE STATE OF  
11 CALIFORNIA.  
12  
13 THE COURT: THIS IS THE MATTER OF THE PETITION OF  
14 MR. RYAN ANTHONY. MR. ANTHONY IS PRESENT. HE'S  
15 REPRESENTING HIMSELF. MR. AUGH REPRESENTS THE PEOPLE.  
16 MR. ANTHONY, HAVE YOU SEEN THE REPORT FROM  
17 DR. ROSE PITT --  
18 MR. ANTHONY: YES, I HAVE.  
19 THE COURT: -- WITH TODAY'S DATE?  
20 DO YOU WISH TO SUBMIT THIS MATTER ON HER  
21 REPORT?  
22 MR. ANTHONY: YES. AND I ALSO -- I ALSO INDICATE --  
23 I ALSO BROUGHT PROOF OF MY 11 YEARS AT DISNEY.  
24 THE COURT: MR. AUGH, DO YOU WISH TO SUBMIT THE  
25 MATTER ON THE REPORT?  
26 MR. AUGH: YES, LIKEWISE.  
27 THE COURT: MR. ANTHONY, YOU HAVE EVERY RIGHT TO BE  
28 HEARD, AND WHATEVER YOU WANT TO SAY THAT PERTAINS TO THIS,

1 I'LL LISTEN TO YOU, BUT I HAVE TO TELL YOU, IF YOU JUST  
2 SUBMIT THE MATTER AT THIS TIME, I INTEND TO GRANT THE  
3 PETITION.

4 MR. ANTHONY: OKAY.

5 THE COURT: AND RESTORE YOUR RIGHT TO OWN A FIREARM.  
6 BUT YOU WAITED, AND YOU HAVE A RIGHT TO BE HEARD.

7 MR. ANTHONY: I HAVE NOTHING TO SAY. I GUESS THAT'S  
8 IT.

9 THE COURT: BASED UPON THE SUBMISSION OF BOTH SIDES  
10 AND THE REPORT OF DR. ROSE PITT DATED APRIL 18, 2002, THE  
11 COURT WILL FIND THAT -- THE COURT WILL RESTORE  
12 MR. ANTHONY'S RIGHT TO LEGALLY OWN FIREARMS AND GRANT THE  
13 PETITION.

14 YOU DIDN'T HAVE ANY FIREARMS CONFISCATED; IS  
15 THAT CORRECT?

16 MR. ANTHONY: THAT'S CORRECT.

17 THE COURT: OKAY. SO THAT RIGHT WILL BE RESTORED TO  
18 YOU. WHAT WILL HAPPEN IS I'LL NEED YOU TO MAKE SURE THAT  
19 WE HAVE YOUR CORRECT ADDRESS, AND RATHER THAN MAKE YOU  
20 WAIT AROUND ALL DAY, MS. WILSON, THE CLERK, IS GOING TO  
21 PREPARE THE ORDER, SEND IT OUT TO THE APPROPRIATE  
22 AUTHORITIES, AND SEND A COPY TO YOU.

23 MR. ANTHONY: OKAY. THANK YOU. JUST ONE QUESTION.  
24 HOW LONG? I KNOW THERE'S AN 11-DAY WAITING PERIOD. DO I  
25 HAVE TO GO WAIT UNTIL I RECEIVE IT --

26 THE COURT: I THINK YOU SHOULD WAIT. OTHERWISE YOU  
27 MAY HAVE PROBLEMS.

28 MR. ANTHONY: OKAY.



REPORTED BY: DAVID J. O'GRADY, CSR 3146  
Official Reporter  
800 South Victoria Avenue  
Ventura, California 93009

I N D E X

<u>WITNESS FOR PEOPLE:</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
PEDIGO, Jeff	2	15		
POVEA, Linda	33	34		

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E X H I B I T S

<u>FOR DEFENSE:</u>	<u>FOR IDENTIFICATION</u>	<u>IN EVIDENCE</u>
A - Diagram	24	24
B - Diagram	44	44

1 VENTURA, CALIFORNIA; TUESDAY, SEPTEMBER 6, 2005; 10:05 A. M.

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THE COURT: Good morning, everyone. Counsel are  
6 present on Poordavoud.

7

MS. NGUIEN: Yes, your Honor.

8

MR. QUEST: Yes.

9

MS. NGUIEN: Cindy Nguien on behalf of the  
10 People, last name spelled, N-g-u-i-e-n.

11

MR. QUEST: Willy Quest for Mr. Poordavoud.

12

THE COURT: All right. And the Defendant is  
13 present.

14

MR. QUEST: Yes, your Honor.

15

THE COURT: All right. How many witnesses are  
16 you calling, counsel?

17

MS. NGUIEN: Hopefully just one, possibly up to  
18 three.

19

THE COURT: All right. The Defendant is present  
20 with counsel Mr. Quest. You may call your first witness.  
21 And who will be the first witness?

22

MS. NGUIEN: Jeffrey Pedigo, P-e-d-i-g-o.

23

THE COURT: All right. Other persons who are  
24 here as potential witnesses in this case are asked to  
25 remain outside the courtroom. Do not discuss your  
26 testimony with the other witnesses.

27

All right. Step forward.

28

THE CLERK: You do solemnly swear the testimony

1       you will give in the cause now pending before this Court  
2       shall be the truth, whole truth and nothing but the truth  
3       so help you God?

4               THE WITNESS:   Yes.

5               THE CLERK:   Thank you.   Have a seat at the  
6       witness stand.

7               THE COURT:   Up here, please.

8               THE CLERK:   Please state and spell your name for  
9       the record.

10              THE WITNESS:   Jeff Pedigo, P-e-d-i-g-o.

11

12                               JEFF PEDIGO,

13       called as a witness on behalf of the People,

14       having been first duly sworn, was examined

15                               and testified as follows:

16

17               THE COURT:   Thank you.

18                               Go ahead.

19

20                               DIRECT EXAMINATION

21       BY MS. NGUIEN:

22               Q.   Mr. Pedigo, do you recall a day back in  
23       December, 2004, when the police were called to your  
24       location?

25               A.   It was not my location.   Where I was at?   If  
26       you're talking about the residence, no, but the location I  
27       was at.

28               Q.   Did that occur approximately December 5th,

1 2004, at 4 o'clock in the morning?

2 A. Correct.

3 Q. And who were you with at the time in which  
4 the police were called to where you were located at?

5 A. Who was I with? I was with Armundo Salazar,  
6 Linda Povea, P-o-u-v-e-a, (sic), and Mary Johnson.

7 Q. And where were you at?

8 A. I was at where, I was at where Mary  
9 Johnson's residence was.

10 Q. Is that residence on Rollins Road?

11 A. Yes.

12 Q. What city is that in?

13 A. I believe it's Chatsworth. They said  
14 Chatsworth's. That's why the police didn't show up for so  
15 long because it was like right on the border of going to  
16 L. A. County to Ventura County.

17 Q. Okay. Do you know whether or not you were  
18 located in Ventura County or Los Angeles County?

19 A. Well, Ventura County ended up handling the  
20 case. The L. A. County Sheriffs came out at first, but  
21 then they sent Ventura County Sheriff's because they said  
22 it wasn't their jurisdiction.

23 Q. You had Ventura County Sheriffs respond to  
24 the location?

25 A. Yes. They're the ones who took the  
26 statements and everything.

27 Q. When you were at the location where you were  
28 at, what were you doing there that evening or that early

1 morning?

2 A. Visiting Mary's roommate who was Linda at  
3 the time.

4 Q. And did something unusual occur while you  
5 were visiting at that house?

6 A. Yeah. That evening I'd worked and I'd just  
7 gotten over there. So we were just going to bed. And,  
8 um, somebody was running around the house and banging on  
9 the windows and like screaming for my friend Armundo to  
10 come out. And, you know, just saying all kinds of wild  
11 things and just, you know, being a, pretty much of a  
12 nuisance.

13 Q. What time did this happen, did the banging  
14 start on the windows?

15 A. Oh, this was like around -- I don't know. I  
16 DJ'ed probably until about midnight, so probably about  
17 1:00 or 2:00 in the morning. Somewhere around there.

18 Q. Did you do anything to ascertain who was  
19 making the noise outside the house?

20 A. Oh, no. He didn't even know I was there.

21 Q. Did something occur where you went to the  
22 front door of the house?

23 A. Yeah. He came banging on the front door.  
24 And, actually, I wasn't the first one to open the front  
25 door. It was actually my friend Armundo and Mary who  
26 lived there. And then I went to the front door because I  
27 knew who it was.

28 Q. Okay. When you went to the front door could

1       you see another person standing there?

2               A.    You mean besides --

3               Q.    Besides --

4               A.    Yes.

5               Q.    -- the three people --

6               A.    Yes.

7               Q.    -- you were with?

8               A.    Yes.

9               Q.    The person who you saw standing there at the  
10       doorway, do you see that person in court today?

11              A.    Oh, yeah.

12              Q.    Can you point out that person for the Court?

13              A.    Right there, (indicating).

14              MS. NGUIEN:  The record reflect he's pointing at  
15       the Defendant?

16              THE COURT:  Yes.

17       BY MS. NGUIEN:

18              Q.    Had you ever met the Defendant before this  
19       early morning?

20              A.    Yeah.

21              Q.    So you knew him previously.

22              A.    Yeah.

23              Q.    On this early morning did you have any type  
24       of words exchanged between yourself and the Defendant at  
25       the doorway?

26              A.    No.  I -- at the doorway?

27              Q.    Yes.

28              A.    Yes.  Before the incident?

1 Q. Yes.

2 A. Ask the question again.

3 Q. When you first went to the door and you saw  
4 the Defendant standing there --

5 A. Yes.

6 Q. -- did you have any words exchanged between  
7 the two of you?

8 A. Um, we had some words, yeah.

9 Q. And did that escalate into something else?

10 A. Yes.

11 Q. Okay. And did that something else entail  
12 some sort of physical contact between yourself and the  
13 Defendant?

14 A. Yes.

15 Q. Okay. Did that occur inside or outside the  
16 house?

17 A. Outside. He was trying to make his way in.

18 Q. And did you try to deny him entry to the  
19 house?

20 A. Yeah. That's how it all started.

21 Q. And what did the Defendant do to try and  
22 gain entry in the house?

23 A. He put his foot in the door when I was  
24 trying to close it. I just, I just told him, "Get out of  
25 here. You're just problems." Everybody in the house was  
26 just telling, "Just get out of here." Nobody wanted  
27 trouble there.

28 And, you know, and he wanted to fight my



1 friend. And because my friend wouldn't come outside he  
2 tried to gain entry and to tried put his, his foot in the  
3 door and not let me shut the door.

4 So I opened the door. I said, "You need to  
5 go now." And I actually, I actually at that time pushed  
6 him back. And then that's when he pulled a can of Mace  
7 and sprayed me in the face with it.

8 Q. Okay. And that is after you attempted to  
9 dislodge him from the doorway?

10 A. Yes.

11 Q. Did he actually hit you with the can of  
12 Mace?

13 A. Oh, yeah, from, from like the torso to all  
14 over my face.

15 Q. And was anybody else standing next to you or  
16 near to you at the time in which the Defendant hit you  
17 with the Mace?

18 A. Yes. All three of the other people that  
19 were there with me, they, they all got hit, too.  
20 Everybody got a little.

21 MR. QUEST: Objection. Lacks personal knowledge.

22 THE COURT: Overruled.

23 BY MS. NGUIEN:

24 Q. Did you in fact see the Mace hit the other  
25 three persons standing there?

26 A. I saw it hit two of them, but after, um, the  
27 whole incident occurred, everybody, you know, felt Mace.  
28 It burns.

1 MR. QUEST: Objection. Lacks personal knowledge.

2 THE COURT: Sustained.

3 BY MS. NGUIEN:

4 Q. Who were the two people that you definitely  
5 saw the Mace hit beside yourself?

6 A. Armundo and Linda.

7 Q. And that's Armundo Salazar and Linda Povea.

8 A. Yeah.

9 Q. After you were hit with the Mace did you  
10 feel any effects from the Mace?

11 A. Um, not right away, but, yeah. It, you  
12 know, within a minute I was on fire, definitely.

13 Q. What did you do, if anything, after you  
14 started feeling the effects of the Mace?

15 A. I was enraged. And I went and grabbed a bat  
16 because I thought that, you know, I was going to get  
17 something that, I was going against somebody with a  
18 weapon. I was enraged.

19 I went outside with the bat, and that's when  
20 the Defendant looked at me and said, "Oh, you have to  
21 fight me with a weapon." And I was like, "I don't need a  
22 weapon" and I threw the bat down. And then he approached  
23 me with brass knuckles with knives on the end of them.  
24 And I still have the scratches from where he almost lodged  
25 them into my rib cage.

26 Q. Did you get into a physical fight at that  
27 point with the Defendant?

28 A. Oh, yes.

1 Q. Did this happen inside or outside of the  
2 house?

3 A. Outside.

4 Q. And you said that he had some brass knuckles  
5 at the time he was fighting you?

6 A. Absolutely.

7 Q. Did you see the brass knuckles on his hand?

8 A. No, because when he said to me, "You have  
9 fight with a weapon," he was standing by his truck and he  
10 was leaning inside the door. And I couldn't see, you  
11 know, what he had in his hand or anything.

12 So when I started approaching him, and then  
13 he started coming at me, the first swings, the first swing  
14 was the only swing he got off, and it, it scratched me.  
15 It almost got me.

16 Q. Did it cause -- when you say it scratched  
17 you, after the fight was over did you have an opportunity  
18 to examine yourself to see if you had been injured?

19 A. Yeah. I, I -- the Sheriffs took pictures of  
20 it.

21 Q. Could you describe what type of injuries you  
22 sustained as a result of your physical altercation with  
23 the Defendant?

24 A. Well, let's see. The Mace, I was on fire  
25 from the Mace. Um, the, the scratches there, and that was  
26 pretty much it, besides the, the shot taken at me and that  
27 was mental.

28 Q. When you, when you were saying the shot

1       there, you were motioning to the left side of your body.

2               A.    Yeah.  Right here, (indicating).

3               MS. NGUIEN:  Could the record reflect the witness  
4       is indicating the left side of his rib cage?

5               THE COURT:  Yes.

6  BY MS. NGUIEN:

7               Q.    And did you sustain scratches that resulted  
8       in bleeding on the left side of your body?

9               A.    Yes.

10              Q.    Do you still have --

11              A.    Oh, yeah.  I have scars from --

12              THE COURT:  Hold to, Mr. Pedigo.  Wait --

13              THE WITNESS:  I'm sorry.

14              THE COURT:  -- until she --

15              THE WITNESS:  I'm sorry.

16              THE COURT:  -- finishes her question before you  
17       start your answer.

18              THE WITNESS:  Sorry.

19              THE COURT:  It's all right.

20  BY MS. NGUIEN:

21              Q.    Do you still have any type of marks or scars  
22       in that location where the scratches were?

23              A.    Yes.

24              Q.    After -- I'm sorry.  Could you tell us about  
25       how long you were engaged in the physical fight with the  
26       Defendant?

27              A.    Probably like a minute or two.  Didn't last  
28       long.

1 Q. How did the fight end?

2 A. It ended with me pulling his sweater over  
3 his head and punching him in the head a couple times. And  
4 then, um, going back and grabbing the bat and going up to  
5 him. And, and, you know, I was really mad. And I looked  
6 at him and said, "You're not worth it." And I turned  
7 around and broke his headlight. And I walked away. And  
8 as I was walking away, that's when he's, he's still kind  
9 of discombobulated. And he reached in his car and he took  
10 a shot at me from about 20 yards away.

11 Q. Okay. Just to be clear, did you at any  
12 point during your physical altercation, or that night,  
13 ever hit the Defendant with the bat?

14 A. No, ever. Not once. I know better. He's  
15 not worth it.

16 Q. And you said after you finished fighting  
17 with the Defendant you picked up your bat and started  
18 walking back towards the house?

19 A. Uh-huh.

20 Q. Is that a "yes"?

21 A. Yes.

22 Q. And as you walked back towards the house was  
23 your back to the Defendant?

24 A. Yes.

25 Q. You just described earlier that you saw him  
26 pull out a gun?

27 A. I did not see him pull out the gun. I had  
28 my back to him. Like I said, I was approaching the front

1 door when Linda screamed, "He's got a gun," because she  
2 saw him pull it out the door.

3 MR. QUEST: Objection. Lacks personal knowledge.

4 THE COURT: The last sentence is stricken.

5 Sustained.

6 BY MS. NGUIEN:

7 Q. You stated as you walked up to the house you  
8 heard Linda yell out, "He's got a gun."

9 A. Yes.

10 MR. QUEST: Objection. Hearsay.

11 THE WITNESS: My friend Armundo --

12 THE COURT: Hold on. Hold on a moment.

13 Overruled.

14 BY MS. NGUIEN:

15 Q. After Linda yelled out, "He's got a gun,"  
16 did you turn around and look at the Defendant?

17 A. I started to turn and I did look at the  
18 Defendant and I was, you know, looking directly eye-to-eye  
19 with him. We made eye contact. And that's when my friend  
20 Armundo grabbed me and pulled me out of the way. And it  
21 probably missed me by a couple feet.

22 Q. When you say that you were looking  
23 eye-to-eye at the Defendant, at that point in time did you  
24 see, could you see whether or not he had a gun?

25 A. Oh, yeah. It was pointed right at me.

26 Q. Could you tell us which hand the Defendant  
27 was --

28 A. It was the right hand.

1 THE COURT: Hold on.

2 THE WITNESS: Sorry.

3 THE COURT: She didn't finish --

4 THE WITNESS: Sorry.

5 THE COURT: -- the question --

6 THE WITNESS: Sorry.

7 THE COURT: -- and slow a little bit.

8 BY MS. NGUIEN:

9 Q. Could you tell which hand the gun was in?

10 A. Right hand.

11 Q. And you said the gun was pointed at your  
12 person?

13 A. Yes.

14 Q. How far away were you standing from the  
15 Defendant when you saw him pointing the gun at you?

16 A. I think, you know, 20 yards is a fair  
17 estimate.

18 Q. And from your distance could you see or  
19 could you describe what the gun looked like in the  
20 Defendant's hand?

21 A. It was so dark that I could not really see,  
22 you know, how big it was or color. I could tell it was  
23 not a huge gun, but it looked like something small.

24 Q. And when you saw it, when you said it was  
25 dark, were you sure it was a gun?

26 A. Yeah, because I saw the flash.

27 Q. Okay. You saw flash emit from the gun?

28 A. Oh, yeah, yeah.

1 Q. Did you hear a noise like a "bang"?

2 A. Yeah.

3 Q. And at the time in which you heard the noise  
4 and saw the flash, what was the position of your body?

5 A. I was just rotating around like this,  
6 (indicating). I looked at him like this, (indicating).  
7 That's when he beared down on me and took a shot and I was  
8 pulled this way, (indicating), at the same time.

9 Q. So your description was you were turning  
10 left --

11 A. Uh-huh.

12 Q. -- towards the --

13 A. Towards, yeah, the door. The towards the  
14 door of the house and the Defendant.

15 Q. And at the same time Mr. Salazar was pulling  
16 you out of the way?

17 A. Because Linda had already said he had a gun,  
18 and Armundo had seen it as well and was pulling me out of  
19 the way.

20 Q. Okay. After the flash and noise that you  
21 heard from the gun, what happened then?

22 A. We all ran inside the house.

23 Q. How many shots were fired?

24 A. Just one.

25 Q. Did you see where the Defendant went after  
26 the shot?

27 A. Nah, I wasn't even getting close to a  
28 window.



1 MS. NGUIEN: I have no further questions.

2 THE COURT: Mr. Quest.

3 MR. QUEST: Thank you.

4

5 CROSS EXAMINATION

6 BY MR. QUEST:

7 Q. Now since that day on December 5th, '04,  
8 have you made contact with my client?

9 MS. NGUIEN: Objection. Relevance.

10 THE WITNESS: Nope.

11 THE COURT: Overruled.

12 BY MR. QUEST:

13 Q. That was "no"; is that correct?

14 A. Yep. I have seen him somewhere. He showed  
15 up at a bowling alley I was at, but I have not made any  
16 contact like calling him, like trying to find him or  
17 anything like that, no.

18 Q. So that time when you saw him at the bowling  
19 alley you didn't attack him with Armundo and you had a  
20 knife; is that correct?

21 A. I had a knife? I think I've got video  
22 evidence proving otherwise. So if you want to argue that,  
23 that's, that's fine. I've been talking with the owner of  
24 the bowling alley and we got proof he pulled a knife on  
25 me.

26 Q. So your answer is, "No"; is that correct?

27 A. No. He pulled a knife on me. That's my  
28 answer.

1 Q. You never punched him; is that correct?

2 A. No. I slapped him in the face.

3 Q. Okay. So now you slapped him in the face.

4 And this was at the bowling alley; is that correct?

5 A. Yeah.

6 Q. So besides the one time when you slapped him  
7 in the face at the bowling alley, have you had any other  
8 contact with my client?

9 A. Nope.

10 Q. When you slapped him in the face at the  
11 bowling alley you were with Armundo; is that correct?

12 A. I was with Armundo and he was with his buddy  
13 that also pulled out a gun. It's on video, too.

14 Q. Someone pulled out a gun; is that correct?

15 A. Uh-huh.

16 Q. You positive about that?

17 A. Oh, yeah, I'm positive.

18 Q. Just as positive about the incident that  
19 happened on December 5th; is that correct?

20 MS. NGUIEN: Objection --

21 THE WITNESS: Not quite, no.

22 THE COURT: Hold on. Hold on. When somebody say  
23 "objection," you've got to stop talking.

24 THE WITNESS: I'm sorry. I just got adrenaline  
25 going right now.

26 THE COURT: I understand. All right. The last  
27 objection is sustained.

28 //

1 BY MR. QUEST:

2 Q. Now you testified you have adrenaline going  
3 on. I can understand that. And you testified that you  
4 were enraged on December the 5th after you claim my client  
5 Maced you; is that correct?

6 A. Yeah. I was, I was pretty mad about it;  
7 right.

8 Q. And now how many fights have you been in?

9 MS. NGUIEN: Objection. Relevance.

10 THE COURT: Sustained.

11 THE WITNESS: Do I answer the question?

12 THE COURT: No.

13 BY MR. QUEST:

14 Q. Now after you were enraged on December 5th  
15 after you allegedly got Maced, you pulled out a bat; is  
16 that correct?

17 A. Yeah.

18 Q. And you went outside with that bat; is that  
19 right?

20 A. Yep.

21 Q. And then you got into a fight with my  
22 client. And you claim you threw the bat down, though;  
23 right?

24 A. Absolutely.

25 Q. Okay. And you claim my client had brass  
26 knuckles; is that correct?

27 A. Yep.

28 Q. You did not see those brass knuckles,

1       though; is that correct?

2               A.    Not until he almost punched me with 'em and  
3       I got the scars to show where he almost got me.

4               Q.    The question is: Did you ever see them  
5       during the fights?

6               A.    Not until he took a punch at me, no.

7               Q.    The question was: During the fight. I'm  
8       not asking you --

9               A.    Yes, I saw them. Yes, I saw them.

10              Q.    Positive you saw them?

11              A.    I'm absolutely positive.

12              Q.    During the fight, even though my client has  
13       brass knuckles you get the better of the fight; is that  
14       correct?

15              A.    That's correct.

16              Q.    You're a tough guy; right?

17              A.    No.

18              Q.    And you actually pulled the sweater over his  
19       head; is that correct?

20              A.    That is correct.

21              Q.    And you punched him in the head; is that  
22       correct?

23              A.    That is correct.

24              Q.    How many times did you punch him in the  
25       head?

26              A.    Couple. Maybe more than that. I don't  
27       know. It was a fight.

28              Q.    Two times?

1           A.    I would say probably about three or four  
2           times.

3           Q.    Now to get the sweater over his head, had  
4           you punched him prior to that, too?

5           A.    For sure.

6           Q.    Overall, how many times did you punch him in  
7           the head during the whole fight?

8           A.    Approximately about, I don't know, five or  
9           six, seven.

10          Q.    And given your, your dexterity, the only  
11          time you got punched during the fight was the first time;  
12          is that correct?

13          A.    He did not even punch me.  He just took a  
14          swing at me.

15          Q.    He didn't even punch you.

16          A.    Yeah.

17          Q.    Okay.  And then even though you punched him  
18          seven, eight times in the head and he did not even punch  
19          you, you still were enraged; is that correct?

20          A.    Let's get this straight.  He tried hitting  
21          me.

22          Q.    I understand.

23          A.    I ducked and dodged a few punches.

24          Q.    You're a good fighter.

25          A.    I'm not saying that.  I'm saying maybe I  
26          ducked and dodged a few punches.  It was not like I went  
27          in and was just beating on him relentlessly, no.  As a  
28          matter of fact as soon as I saw that he was disoriented I

1 backed off.

2 Q. You backed off; right. And then you got a  
3 bat.

4 A. That's correct.

5 Q. While backing off you got a bat.

6 A. That is correct.

7 Q. You approached him again with the bat.

8 A. That is correct.

9 Q. Okay. You could tell he was disoriented by  
10 the amount of punches that you hit his head; is that  
11 correct?

12 A. He wasn't that disoriented.

13 Q. Okay. And then because you're, you did not  
14 want to hurt him, you're a nice guy, instead you used the  
15 bat and you hit his car; is that correct?

16 A. That's correct.

17 MR. QUEST: Okay. Now, your Honor, if I may  
18 approach?

19 THE COURT: Okay.

20 BY MR. QUEST:

21 Q. If I can have you, if you can draw on this,  
22 what I want you to draw is after you used your bat and  
23 smashed his car, um, you testified that you were walking  
24 back to the house; is that correct?

25 A. Uh-huh; correct.

26 Q. All right. And at some time you overhear  
27 somebody say, "He's got a gun." And at that time you turn  
28 around and you actually see the gun; is that correct?

1 A. Yes.

2 Q. Okay. And then you claim that my client  
3 fired a gun at you; is that correct?

4 A. That's correct.

5 Q. Okay. Now at the time that my client  
6 allegedly fired the gun at you, did you -- if you can draw  
7 to the best of your ability, where you were standing in  
8 relation to the house and the door.

9 A. No problem. It's a long driveway. Here's  
10 his car. Here's my car. Here's the front door. He's  
11 about right here and I am about right here, and we were in  
12 perfect alignment.

13 Q. Okay. I'm just -- let me -- where?

14 A. He's here. I'm here. Armundo is here.  
15 Linda's here.

16 Q. Okay. What's that you have, if you can  
17 maybe make an "H" where the house is that you were staying  
18 at with Ms. Johnson.

19 A. This is the house over here.

20 Q. Okay.

21 A. This is the doorway.

22 Q. Okay. Now is the doorway on a porch or  
23 anything like that?

24 A. No. Yes, there's a porch.

25 Q. Now -- and were you up on a porch?

26 A. No. I was in the driveway.

27 Q. Still in the driveway.

28 A. Uh-huh.

1 Q. Was Armundo still in the driveway?

2 A. Yep.

3 Q. Okay. And was Ms. Povea still in the  
4 driveway?

5 A. No. She was kind of like, Armundo was kind  
6 of like bordering the driveway and the porch, and Ms.  
7 Linda was on the porch like right next to him.

8 Q. Okay. Now is the -- now you have the door  
9 sort --

10 A. I'm sorry. This is like the porch and the  
11 door would be like here. So this is the, like the porch  
12 area, okay, and this is the door. And it was somewhere  
13 like, there's Armudo and there's Linda.

14 Q. Okay. Is the door in the middle of the  
15 house?

16 A. No. It's, it's off to the far right.

17 Q. Off to the far right?

18 A. Yeah.

19 Q. Does the porch, then, go towards left of the  
20 house?

21 A. The porch goes, yeah, to the left.

22 Q. Okay. If you can put an "H" where the house  
23 is.

24 A. (Witness complies).

25 Q. Okay. What's that structure to the left of  
26 where you think the porch is?

27 A. There's another house.

28 Q. I'm talking about right here.



1 A. That's my, that's my car.

2 Q. If you can put a "JC" for that.

3 A. (Witness complies.)

4 Q. Okay. Now where was, where do you think my  
5 client's car was?

6 A. Right here.

7 Q. And when you say he was pointing right at  
8 you, the gun was pointed right at you, were you, how far  
9 were you from the house at that time?

10 A. I guess probably from about here to the  
11 wall.

12 Q. Okay.

13 A. That being the porch area.

14 Q. That being the porch area. Okay. And to  
15 the right of you, if directional, if, if, you were  
16 facing -- so it would be the left of you, actually. So if  
17 you're facing my client who allegedly has a gun, to the  
18 left of you is your car; is that correct?

19 A. Correct.

20 Q. To the right of is your house -- is the  
21 house.

22 A. The house.

23 Q. Ms. Johnson's house.

24 A. Yeah.

25 Q. Okay. Now then did this alleged bullet hit  
26 anything?

27 A. They couldn't find where it had hit  
28 anything.

1 Q. Did it hit the house?

2 A. No. It didn't hit the house.

3 Q. Did it hit your car?

4 A. No. From the trajectory that he shot at me  
5 at, right behind me is pretty much nothing. It goes out  
6 in the field and beyond.

7 Q. The question was: Did it hit your car?

8 A. No. It did not hit my car, no.

9 Q. Did it hit the house?

10 A. No. It didn't hit the house. Not that we  
11 saw.

12 Q. And it was dark outside; is that correct?

13 A. Yes, it was.

14 Q. And in fact you cannot tell the type of gun  
15 that my client allegedly had; is that correct?

16 A. Correct. He was at a distance and it was  
17 dark.

18 Q. Approximately 20 yards; is that correct?

19 A. Correct.

20 Q. And at the time that --

21 Your Honor, if I can have this marked as  
22 Defense Exhibit A.

23 THE COURT: Yes. So marked.

24 MR. QUEST: And at this time I ask that be moved  
25 into evidence.

26 THE COURT: It's received in evidence.

27 MR. QUEST: Thank you.

28 Q. Now at the time -- the sequence of events:

1       You punch him about seven, eight times in the head while  
2       you have the sweater over his head -- not all of those are  
3       when you punch him with the sweater over his head. You  
4       get a few punches in before it to allow you to get the  
5       sweater over his head.

6               A.    Uh-huh.

7               Q.    And then you go back to -- if you can  
8       actually make a diagram or draw where your bat was when  
9       you came down, when you're enraged and had the bat, but  
10      then you dropped the bat because this is a no-weapons  
11      fight. If you can tell me where you dropped the bat.

12              A.    Right over here is another house, okay, and  
13      then there is a little plant, you know, plantation area  
14      or, or, or, you know, where the plants are. I threw it  
15      right over here where his friend was standing.

16              Q.    Okay.

17              A.    So he was right here.

18              Q.    So you actually threw the bat where his  
19      friend was.

20              A.    Yeah, tossed it right up there.

21              Q.    So he could have picked it up if he wanted  
22      to use it.

23              A.    Surely he could have.

24              Q.    And so after you punched him seven, eight  
25      times, you then go back and you pick up the bat; is that  
26      correct?

27              A.    Yes.

28              Q.    And then you approach him with the bat; is

1       that correct?

2               A.    Yes.

3               Q.    Okay.  But he's not worth it.  You're not  
4       going to hit him with the bat, and at the time you hit his  
5       car.

6               A.    Correct.

7               Q.    Then you start walking back toward the  
8       house.  You think the fight is over; right.

9               A.    Yes.  Well, no.  I pretty much know it's  
10      over.  I mean I didn't want to hurt anybody and it was at  
11      the point where he was already disoriented and that was  
12      enough.  I'm not trying to do anything stupid.  So, yeah,  
13      I was going back to the house.

14              Q.    Okay.  But did you hit his car, damage his  
15      car?

16              A.    I did hit his car, yes.

17              Q.    And you then go back towards the house and  
18      you're approximately 20 yards from him; is that correct?

19              A.    Well, when he fired at me, yes.

20              Q.    And your back is toward him initially; is  
21      that correct?

22              A.    Correct.

23              Q.    And then you hear something.  And then you  
24      turned around suddenly and you claim you saw a gun; is  
25      that correct?

26              A.    Yes.  I saw him lower it and it was pointed  
27      right at me.

28              Q.    Okay.  You actually saw him.  So he had it

1 up at one time?

2 A. He was, he was, he came, you know, trotting  
3 and just lowered it and took a shoot.

4 THE COURT: Did you say "lower" or "loaded"?

5 THE WITNESS: Lowered it.

6 THE COURT: Lowered it.

7 BY MR. QUEST:

8 Q. Now he walked toward you when he had the  
9 gun.

10 A. No. He was more like trotting.

11 Q. So he was trotting toward you when he had  
12 the gun.

13 A. Yeah.

14 Q. All right. So you actually saw him trotting  
15 toward you. You actually saw him lowering the gun toward  
16 you.

17 A. I did not see him trotting the whole time.  
18 I'm saying when I, I turned around, I saw he was in a trot  
19 and lowering the gun at the same time and fired a shot.  
20 That's what I saw.

21 Q. Okay. So you see him. He's trotting toward  
22 you and he lowered the gun; is that correct?

23 A. And he took a shot, yes.

24 Q. And he took a shot; is that correct?

25 A. Yeah.

26 Q. Now you testified before he took the shot at  
27 you, um, Armundo had yanked you; is that correct?

28 A. Correct.

1 Q. Okay. So you see him actually trotting  
2 toward you, lowering the gun and it looks like in  
3 preparation of taking a shot at you, but before he  
4 actually takes a shot at you, Armundo then yanks you; is  
5 that correct?

6 A. Kind of at the same time.

7 Q. Very fast; right?

8 A. It happened very fast. He took a shot at  
9 me. At the time that I saw the flash, Armundo was yanking  
10 me.

11 Q. Okay.

12 A. Right at the same time.

13 Q. So Armundo is yanking you while you were  
14 seeing the flash.

15 A. Yes.

16 Q. Same time.

17 A. Yes.

18 Q. Now Armundo was on the porch at the time; is  
19 that correct?

20 A. No. He was in the driveway. Like I stated,  
21 he was in the driveway. He was bordering the porch.

22 Q. Okay. Does the porch have steps?

23 A. No, it doesn't.

24 Q. So the porch is, you walk straight onto the  
25 porch.

26 A. Like you're going from the gravel driveway,  
27 a black gravel driveway to a cemented, troweled porch,  
28 flat, troweled, cement porch.

1 Q. You don't step up. It's not raised in any  
2 manner?

3 A. Nope.

4 Q. All right. And your recollection is that  
5 Armundo is right sort of straddling the porch and the  
6 driveway; is that correct?

7 A. Correct.

8 Q. And when he yanked you, did he yank you on  
9 the porch?

10 A. Yeah, yeah. He, he pretty much did, yeah.

11 Q. Now your initial contact with the -- well,  
12 you testified that you know my client; is that correct?

13 A. Correct.

14 Q. And you've had previous incidents with them;  
15 is that correct?

16 A. Previous incidents as far as?

17 Q. Well, you know who he is.

18 A. I know who he is. He knows who I am, yes.

19 Q. Have you had any fights with him prior to  
20 December 5th?

21 A. Fights? No. I had, I have had phone calls  
22 from him telling me, threatening me.

23 Q. Have you had any volatile situations before?

24 A. No, because he would jump out windows when I  
25 came into the room.

26 Q. He was scared of you.

27 A. He wasn't scared of me. He just, he was a  
28 telephone tough guy. He would call me up and start

1 threatening me and telling me all this stuff. He was  
2 going beat me up, this and that. And then whenever I  
3 would come over to his exgirlfriend's house, he'd jump out  
4 the window and run away.

5 It wasn't like I was chasing him down trying  
6 to find him. I had no problems with the guy. And I even  
7 told him that over the phone several times, but he still  
8 continued to call me, harass me.

9 Q. So I mean whenever he saw you, he wasn't man  
10 enough to sort of be in the same room with you; is that  
11 correct?

12 A. He never saw me.

13 Q. Well, he never saw you prior to December  
14 5th', 04?

15 A. Not, not, not in the last, not in the last  
16 few months, no. He -- it was, it was all telephone calls  
17 for about eight months, probably six to eight months.

18 Q. Okay. Well, you testified that when you  
19 came over he'd jump out the window; is that correct?

20 A. Exactly. So we didn't see each other.

21 Q. Okay.

22 A. He was in a different room.

23 Q. When was the last time you saw him, actually  
24 physically saw him before December 5th, '04?

25 A. Like I said, it was approximately six to  
26 eight months. Six to eight months, might I add, of  
27 threatening, annoying, harassing phone calls.

28 Q. You reported this to the police?



1 A. No, I didn't.

2 Q. Okay. Now prior to you getting Maced you  
3 pushed Mr. Poordavoud; is that correct?

4 A. I was, I tried to move him out of the  
5 doorway so I could shut the door and it could end in a  
6 peaceful manner and he could go on his way and there  
7 wouldn't be any problems.

8 Q. How did you push him? One hand?

9 A. Yeah. I believe so 'cause my other hand was  
10 on the door.

11 Q. Now when you pushed Mr. Poordavoud with one  
12 had, where was Armundo?

13 A. We were all inside. We were all at the door  
14 but inside.

15 Q. Okay. Now there was another person with my  
16 client; is that correct?

17 A. Sure. Absolutely.

18 Q. Was he at the door, also?

19 A. He was a few, I would say about five yards  
20 behind Sean.

21 Q. Okay.

22 A. You could tell he didn't want any part of  
23 it.

24 Q. Okay. At the door it was you, there was my  
25 client, you, Armundo, Ms. Johnson and Ms. Povea?

26 A. Yes. And I, maybe take into account the  
27 fact that the person that he was with was the exboyfriend  
28 of the girl that I was seeing at the time, that was Linda.

1 And obviously Mary was Sean's exgirlfriend which was why  
2 he was up there in the first place to seek out my friend,  
3 beat him up or do whatever he had to do. That's why he  
4 came with all the weapons that he did.

5 Q. Did you have a knife at any time?

6 A. Nope.

7 Q. You never flashed a knife?

8 A. No.

9 Q. Are you still boyfriend/girlfriend with Ms.  
10 Povea?

11 MS. NGUIEN: Objection. Relevance.

12 THE WITNESS: No. We're friends.

13 THE COURT: Overruled.

14 (Pause in proceedings.)

15 MR. QUEST: If I can have one moment, your Honor?

16 THE COURT: All right.

17 (Pause in proceedings.)

18 MR. QUEST: Nothing further, your Honor.

19 THE COURT: Any further questions?

20 MS. NGUIEN: No, your Honor.

21 THE COURT: Thank you, Mr. Pedigo. You may step  
22 down.

23 THE WITNESS: Thank you.

24 THE COURT: Any additional evidence?

25 MS. NGUIEN: Could I step out for a minute, your  
26 Honor?

27 THE COURT: All right.

28 (Pause in proceedings.)

1 MS. NGUIEN: People call Linda Povea.

2 THE COURT: All right.

3 THE BAILIFF: Step right up here, please.

4 THE CLERK: Do you solemnly swear the testimony  
5 you may give in the cause now pending before this Court  
6 shall be the truth, whole truth and nothing but the truth  
7 so help you God?

8 THE WITNESS: Yes, I do.

9 THE CLERK: Thank you. Please be seated on the  
10 witness stand.

11 Please state and spell your name for the  
12 record.

13 THE WITNESS: Linda P-o-"v," as in "Victor," e-a.

14

15 LINDA POVEA,  
16 called as a witness on behalf of the People,  
17 having been first duly sworn, was examined  
18 and testified as follows:

19

20 THE COURT: Thank you.

21 Counsel.

22

23 DIRECT EXAMINATION

24 BY MS. NGUIEN:

25 Q. Ms. Povea, do you recall being present at  
26 your friend's house at 9403 Rollins Road on December 5th  
27 of 2004, when the police were called to that location?

28 A. Yes.

1 Q. And that location when the police were  
2 called was it in regards to a possible shooting that had  
3 occurred?

4 A. Yes.

5 Q. Are you aware of whether, or what county  
6 that residence is located inside of?

7 A. Yes, I am.

8 Q. What county is it located in?

9 A. It's located in Ventura County.

10 MS. NGUIEN: I have no further questions.

11 THE COURT: Any other questions, Mr. Quest?  
12

13 CROSS EXAMINATION

14 BY MR. QUEST:

15 Q. How do you know that?

16 A. Well, I know that the parcels are just on  
17 this side of County Line Road whereas the -- the County  
18 Line Road is the road you have to take to get to Rollins  
19 Road. And, you know, on the north side, I think it's the  
20 north side where it faces, you know, where the house is  
21 set, it's on the Ventura County line. Across the street  
22 is L. A. County line. And also I have seen the tax  
23 documents for the parcels covering that property and they  
24 come from Ventura County.

25 Q. Do you pay the taxes?

26 A. No, sir, I don't.

27 Q. Do you rent the house?

28 A. No.

1 Q. So you're neither a renter nor an owner of  
2 this residence?

3 A. No.

4 Q. How did you see the tax documents?

5 A. My boyfriend owns it.

6 Q. Who's your boyfriend?

7 A. Scott Townsend.

8 Q. This is your new boyfriend?

9 MS. NGUIEN: Objection. Relevance.

10 THE COURT: Sustained.

11 BY MR. QUEST:

12 Q. At the time of December 5th, who was your  
13 boyfriend?

14 A. I did not have one.

15 Q. Okay. So you weren't dating Mr. Pedigo at  
16 the time; is that correct?

17 A. We were seeing each other but it wasn't  
18 serious.

19 Q. I understand.

20 (Pause in proceedings.)

21 Now you spoke to officers regarding the  
22 incident that happened on December 5th; is that correct?

23 A. Yes.

24 Q. Okay. And how many officers did you speak  
25 to, if you recall?

26 A. Well, depends. I spoke to L. A. County  
27 because L. A. showed up first; however, Ventura County  
28 came after L. A. County found out that they aren't in

1 jurisdiction or in the L. A. County area.

2 Q. Okay. So let me get this you called 9-1-1  
3 or someone from the residence calls 9-1-1?

4 A. Yes, sir.

5 Q. Okay. And according to the dispatch they  
6 notify L. A. County; is that correct?

7 A. Yes, sir.

8 MS. NGUIEN: Objection. Lacks foundation.

9 THE COURT: Sustained. Any answer's stricken.

10 BY MR. QUEST:

11 Q. After you called 9-1-1, the first police  
12 agency that responds is L. A. County; is that correct?

13 A. Yes.

14 Q. Now do they take statements?

15 A. They started to but they realized that the  
16 number that was calling them or dispatch believed it was a  
17 cell phone number. There was no landline on the property  
18 or in that unit.

19 Q. Who, who called 9-1-1, if you recall?

20 A. Jeff did, I think.

21 Q. Now so L. A. comes. They say that they're  
22 not, should not be involved, and then Ventura County's  
23 Sheriff's Department comes; is that correct?

24 A. Uh-huh.

25 THE COURT: Is that, "Yes"?

26 THE WITNESS: Yes. Sorry.

27 BY MR. QUEST:

28 Q. And then you give a detailed statement to

1 Ventura County Sheriff's Department; is that correct?

2 A. Yes.

3 Q. Okay. Do you recall a Deputy Widofsky. I'm  
4 mispronouncing that, but something of that name?

5 A. Yes. Something like that.

6 Q. And when you talked to this deputy, isn't it  
7 true you told this deputy that you were not hit by any  
8 Mace?

9 A. I don't -- I wasn't directly hit. I did get  
10 hit with some, but I guess -- I don't think I told him  
11 that, but I'm not sure if I did or didn't. It was really  
12 late and it was a lot of action going on around me, but I  
13 know I did get sprayed a little bit, but it wasn't  
14 directly.

15 Q. Okay. So it's possible that you could have  
16 told him that you did not get hit at all; is that correct?

17 A. Yeah.

18 Q. And this was the first deputy that you saw  
19 that you were able to give a detailed statement to right  
20 after the incident; is that correct?

21 A. I thought that deputy was in Ventura County,  
22 or is that the, the second set of Sheriffs that showed up.  
23 But I mean the last name is familiar only because it's  
24 unique.

25 Q. Okay. Well, you have L. A. County Sheriff's  
26 Department came first; is that correct?

27 A. Right.

28 Q. Okay. Then they leave, or they are there

1 and then Ventura County Sheriff's Department arrives; is  
2 that correct?

3 A. Uh-huh.

4 Q. Did L. A. County stay there until Ventura  
5 County Sheriff's showed up?

6 A. I don't know. They left.

7 Q. Okay. So they left, and for some time  
8 there's no police there, and then Ventura County Sheriff's  
9 Department shows up.

10 A. For a short period of time, yes.

11 Q. And that's when you talked to the Deputy  
12 Widofsky.

13 A. I believe so, yes.

14 Q. Okay. And that's when you told him or that  
15 you could have told him you were not hit in any manner by  
16 the spray.

17 A. I don't, I don't think I would have said  
18 that only because I did get some, but....

19 Q. Okay. Your recollection is you did now?

20 A. No. I, I know I did. I know I did this  
21 whole time; however, I don't think that, that's why I  
22 don't think I would have told him that, but it's possible.

23 Q. So you knew at the time that my client  
24 Mr. Poordavoud sprayed the Mace that you had gotten hit;  
25 is that correct?

26 A. Uh-huh.

27 THE COURT: "Yes"?

28 THE WITNESS: Yes.



1 BY MR. QUEST:

2 Q. It didn't take you until some time later to  
3 figure out that you got hit; right?

4 A. Right.

5 MR. QUEST: Okay. Now if I may approach, your  
6 Honor?

7 THE COURT: All right.

8 (Pause in proceedings.)

9 BY MR. QUEST:

10 Q. Now at a certain time on December 5th while  
11 you were there a -- is it true, was a gunshot fired?

12 A. I'm sorry?

13 Q. At a certain time on December 5th last  
14 year', 04, was a gunshot fired?

15 A. Yeah, there was.

16 Q. Are you positive about that?

17 A. Yes, I am.

18 Q. Okay. Were you inside or outside the  
19 residence?

20 A. I was outside the residence.

21 Q. Okay. If you could draw, to the best of  
22 your ability where you were when this alleged gunshot was  
23 fired.

24 If you can draw -- we know it's, it's, um,  
25 you're not here as an artist, but in relation to where the  
26 house was and where the porch was, the residence where you  
27 were staying at the time.

28 A. You want me to include the driveway?

1 Q. Please.

2 A. Okay. This is the unit, and then there is  
3 the porch here. And the driveway is here. And then  
4 there's, um, some other, it's, it's a four-unit area.  
5 It's a duplex but it's split into four separate units.  
6 And so I was in this one which we call "Unit Three." And  
7 the car was here, and I was standing here in the porch  
8 underneath the awning; however, I had a full view of the  
9 driveway.

10 Q. Where was the front door in relation to the  
11 porch?

12 A. The front door's located here.

13 Q. Okay. If you can put "X" where you were  
14 standing at the time that the alleged gunshot was fired.

15 A. Okay. I -- the front door is here. I was  
16 standing there.

17 Q. Okay. Now on that porch there is an awning;  
18 is that correct?

19 A. Yeah. I was underneath the awning.

20 Q. Okay. So the porch is covered.

21 A. Yes.

22 Q. Okay. Now are the sides covered, also, or  
23 is it open on the sides, or is the side and front?

24 A. It's open.

25 Q. And so the awning just covers the top.

26 A. Yes, sir.

27 Q. Are there beams that --

28 A. There are beams, very narrow ones. They're

1       like 4-by-4s.

2               Q.    Okay.

3               A.    And there's only a few.

4               Q.    Can you mark where the beams are, to the  
5       best of your ability.

6               A.    Okay.  So those would be, the awning  
7       actually extends here to the end of the building.  There's  
8       one here.  There would be one here'ish, and then one here  
9       and one more way over -- no, no.

10              THE COURT:  Keep your voice up good and loud,  
11       please.

12              THE WITNESS:  I'm sorry, only three.  I think  
13       here, here, here.

14       BY MR. QUEST:

15              Q.    Okay.  Now if you put an "X" where you were  
16       located.

17              A.    Yeah.

18              THE COURT:  She already did that.

19              THE WITNESS:  Yes.

20       BY MR. QUEST:

21              Q.    Can you put a "J" where Jeffrey was located,  
22       Mr. Pedigo.

23              A.    He was -- there was a trailer.  He was right  
24       here.

25              Q.    Okay.

26              A.    About that.

27              Q.    Okay.  And --

28              THE COURT:  You wanted a "J" there.

1 MR. QUEST: "J."

2 THE WITNESS: Oh, sorry.

3 THE COURT: Just turn that into a "J."

4 BY MR. QUEST:

5 Q. There you go. How about putting an "A"  
6 where Armundo was located.

7 A. (Witness complies.)

8 Q. Okay. So Jeffrey was located closer to you  
9 than Armundo; is that accurate?

10 A. At the time of the shooting, yes.

11 Q. Now if you could put a "D" where my client  
12 Mr. Poordavoud was located when the alleged gunshot was  
13 fired.

14 A. Um, I'm thinking right there, about.

15 Q. And approximately how far away is that from  
16 where the three of you were standing?

17 A. Um, I wouldn't, I mean I can't really tell  
18 you. 40 feet.

19 Q. From where you are to the end of this  
20 courtroom? Further than that?

21 A. A little bit. Maybe to the end of the other  
22 door.

23 Q. Okay. And the end of the outer door?

24 A. Yeah.

25 MR. QUEST: Okay. Does the Court have a  
26 measurement?

27 THE COURT: Inside the courtroom from the front  
28 wall to the back wall is 38 feet, and then the outside

1 measurement is 8 feet 5 inches. So about 50 feet, a  
2 little more.

3 MR. QUEST: Thank you, your Honor.

4 THE COURT: Sorry. Bad math. 46 feet and a  
5 little more.

6 MR. QUEST: Thank you.

7 Q. Now when Mr. Poordavoud, did you actually  
8 see him fire a shot?

9 A. Yeah. I believe I did because he had  
10 something hanging out in front of him and he did it very  
11 quickly and I saw a flash.

12 Q. Okay. Did you see the direction where the  
13 shot was fired towards?

14 A. It was towards where Jeff and Armundo were  
15 standing.

16 Q. Was it up in the air or was it aimed toward  
17 them?

18 A. Well, when I saw him, I saw him like this.  
19 I didn't see him like this. And when I saw the flash it  
20 was more like this rather than like this. So I would say  
21 it was aiming more towards them.

22 Q. Okay. Did it hit anything?

23 A. Yes, it did.

24 Q. What did it hit?

25 A. Well, um, there was a piece wood got knocked  
26 off this beam here. And, um, I mean, I don't know if that  
27 was maybe the bullet or it was just, you know, just spray,  
28 or, I don't know. Not the "spray," but if it ricocheted

1 off the asphalt but something hit there. That was the  
2 only thing that had any damage or any, anything that I saw  
3 that got hit.

4 Q. Okay. So a piece wood. This was on the  
5 porch area; is that correct?

6 A. Yes.

7 Q. And you believe that was hit in some manner  
8 by the gunshot; is that correct?

9 A. Yes.

10 Q. Okay. And you told that to the police;  
11 right?

12 A. Yes.

13 Q. You pointed that out?

14 A. Yes.

15 Q. Okay. Now when Mr. Poordavoud allegedly  
16 shot the gun, was he standing still?

17 A. At that time he stood still for a moment.  
18 Like I said, he just, he just, he just showed -- I mean he  
19 reached in his car and the door was already ajar, and he  
20 stepped out and just that was it.

21 Q. Okay. He wasn't moving toward you. Just  
22 got the gun and shot right at you; is that right?

23 A. Yeah, at us, or....

24 Q. Okay. Now --

25 Your Honor, if I can have this marked at  
26 this time and introduced into evidence.

27 THE COURT: All right. Exhibit B will be  
28 received.

1 BY MR. QUEST:

2 Q. You can have a seat.

3 Just before that, one thing. If you can put  
4 a "B" where you believe the piece of wood was hit by the  
5 gunshot.

6 A. (Witness complies.)

7 Q. Thank you.

8 (Pause in proceedings.)

9 MR. QUEST: Nothing further, your Honor.

10 THE COURT: Any other questions?

11 MS. NGUIEN: No, your Honor.

12 THE COURT: Thank you. You may step down Ms.

13 Povea.

14 Do the People have any additional evidence?

15 MS. NGUIEN: No.

16 THE COURT: Does the Defense have any additional  
17 evidence?

18 MR. QUEST: Not at this time, your Honor.

19 THE COURT: Matter submitted?

20 MS. NGUIEN: Yes.

21 MR. QUEST: It is, your Honor.

22 THE COURT: The Defendant is held to answer to  
23 the charges contained in the Complaint. I will set his  
24 next appearance, you want the usual two-week setting,  
25 counsel?

26 MR. QUEST: Just what day would that make it?

27 THE COURT: The 20th.

28 (Discussion between Counsel and the Defendant.)

1 MR. QUEST: Your Honor, could we have a week from  
2 the 20th? We waive time for that purpose.

3 THE COURT: A week later?

4 MR. QUEST: Yes, your Honor.

5 THE COURT: The 27th satisfactory to the People  
6 as well?

7 MS. NGUIEN: Yes, your Honor.

8 THE COURT: All right. Mr. Poordavoud, you have  
9 the right to have your next appearance in court for  
10 arraignment on the Information within 15 days from today.  
11 Are you willing to give up your right to a speedy  
12 arraignment and trial and agree to postpone that until  
13 September 27th?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: All right. Time is waived.  
16 September 27, 9:00 a.m. Courtroom 12th. The Defendant is  
17 ordered to be present at that time and continued on bail  
18 in the meantime.

19 MS. NGUIEN: Thank you, your Honor.

20 MR. QUEST: Thank you.

21 THE COURT: All right. Thank you.

22 (Proceedings concluded.)

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REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE OF	)	
CALIFORNIA,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. 2005000358
	)	
AFSHIN POORDAVOUD,	)	
	)	
Defendant.	)	
_____	)	

I, DAVID J. O'GRADY, CSR 3146, Certified Shorthand Reporter of the State of California, for the County of Ventura, do hereby certify that the following Pages 1 through 46 of September 6, 2005, are a true and correct transcript of the testimony given and the proceedings had in the above entitled cause.

Dated at Ventura, California, this 6th day of September, 2005.



DAVID J. O'GRADY, CSR 3146  
Official Court Reporter